

## Arent Fox

August 13, 2010

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554

**Alan G. Fishel**

Attorney  
202.857.6450 DIRECT  
202.857.6395 FAX  
fishel.alan@arentfox.com

Re: Ex Parte Communication, CC Docket No. 02-6, GN Docket No. 09-51

Dear Ms. Dortch:

On August 12, 2010, on behalf of the Internet2 K20 Initiative, Carol Willis, Manager, Texas Education Telecommunications Network, Randy Stout, R&D Coordinator, Kan-ed, Kansas Board of Regents, James Werle, Director, Internet2 K20 Initiative, Gary Bachula, VP External Relations, Internet 2, and Alan Fishel, counsel for Internet2, met with James Bachtell and Dana Bradford of the Wireline Commission Bureau, and Regina Brown of the Wireline Commission Bureau participated by conference call.

We discussed the views of the Internet2 K20 initiative that an eligible entity should be able to receive funding for (i) the leasing of dark fiber from any broadband provider; (ii) the purchase of dark fiber from any broadband provider; (iii) the receipt of lit service from any broadband provider; and (iv) the lighting of fiber, which the eligible entity already owns or otherwise has control over, by any broadband provider. We discussed how limiting the types of broadband providers that can provide some or all of the funded services greatly undermines the flexibility that schools and libraries need under this program, particularly in rural and remote parts of the United States, and also undermines the Commission's goals of ensuring that the use of, and benefit from, the funds available are maximized. We also discussed that eligibility for the provision of dark fiber should not be dependent on the modulating electronics being owned by the entity receiving the funding, nor should it be dependent on the modulating electronics being located on such entity's property. Finally, we discussed that with respect to the leasing of dark fiber the amount of funding would need to be amortized over the term of the lease (with the funding provided only in connection with the strands actually lit), and that with regard to purchasing the dark fiber, the amount of funding would need to be amortized over the expected useful life of the fiber (with the funding provided only in connection with the strands actually lit).

Arent Fox

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alan Fishel". The signature is written in a cursive, flowing style.

Alan G. Fishel